

****Title:**** *Gloria G. Lastimososa vs. Hon. Ombudsman Conrado Vasquez, et al.*

****Facts:**** The case arose when Jessica Villacarlos Dayon filed a criminal complaint for frustrated rape and an administrative complaint against the Municipal Mayor of Santa Fe, Cebu, Rogelio Ilustrisimo, with the Office of the Ombudsman-Visayas. The Ombudsman directed that Mayor Ilustrisimo be charged with attempted rape, but the Provincial Prosecutor of Cebu, with the approval of Assistant Provincial Prosecutor Gloria G. Lastimososa, filed an information for acts of lasciviousness instead. Following their refusal to file a charge for attempted rape as ordered, the Ombudsman filed an administrative complaint for misconduct and a charge for indirect contempt against both prosecutors and placed them under preventive suspension. Lastimososa filed a petition for certiorari and prohibition to set aside the Ombudsman's orders.

****Issues:****

1. Whether the Office of the Ombudsman has the power to call on the Provincial Prosecutor to assist in the prosecution of a case for attempted rape against a municipal mayor.
2. Whether the refusal to follow the Ombudsman's directive to file an information for attempted rape constitutes contempt.
3. Whether the Ombudsman can impose preventive suspension on prosecutors for refusal to comply with its directive.

****Court's Decision:****

1. ****On the Ombudsman's Power:**** The Court affirmed the Ombudsman's power to prosecute any act or omission of a public official that appears to be illegal, unjust, improper, or inefficient, which includes the investigation and prosecution of any crime committed by a public official. By virtue of §31 of the Ombudsman Act of 1989, the Ombudsman can call on prosecutors for assistance and place them under his supervision and control. The Court dismissed Lastimososa's argument that since the crime of rape is not related to official duties, the Ombudsman lacked jurisdiction.
2. ****On the Issue of Contempt:**** The Court held that the Ombudsman has the authority to punish for contempt under the same procedure and with the same penalties as provided in the Rules of Court. The refusal to file the information for attempted rape against the Mayor, despite the Ombudsman's directive, could subject the prosecutors to indirect contempt.
3. ****On Preventive Suspension:**** The Court justified the Ombudsman's preventive suspension of the prosecutors, citing that prior notice and hearing were not required for

this administrative measure and highlighting that the evidence of guilt is strong, based on the refusal to follow the Ombudsman's lawful orders.

****Doctrine:**** The Ombudsman has the power to investigate and prosecute any act or omission of a public official that appears to be illegal, unjust, improper, or inefficient, including the authority to call on prosecutors for assistance and to impose disciplinary actions such as preventive suspension and contempt charges.

****Class Notes:****

- ****Ombudsman's Authority:**** The Ombudsman can investigate and prosecute any public official for acts or omissions that are illegal, unjust, improper, or inefficient, regardless of their relation to official duties.
- ****Supervision and Control:**** When prosecutors are called upon by the Ombudsman for assistance, they come under the supervision and control of the Ombudsman.
- ****Contempt Power:**** The Ombudsman has the power to punish for contempt under the same procedures and penalties as the Rules of Court.
- ****Preventive Suspension:**** The Ombudsman can impose preventive suspension on public officials under investigation if the evidence of guilt is strong and such suspension is deemed necessary for the conduct of the investigation.

****Historical Background:**** The case illustrates the expanded powers of the Ombudsman as mandated by the Ombudsman Act of 1989 (R.A. No. 6770) to ensure accountability among public officials. It underscores the principle that public officials are subject to the jurisdiction of the Ombudsman in cases of misconduct, irrespective of whether the acts are related to their official functions. This decision reaffirms the Ombudsman's integral role in maintaining integrity within the public service.